



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BOX 99100
YUMA, ARIZONA 85369-9100

StaO 5830.1B
3CA
16 MAR 2001

STATION ORDER 5830.1B

From: Commanding Officer
To: Distribution List

Subj: PRETRIAL CONFINEMENT FACILITY OPERATIONS

Ref: (a) SECNAVINST 1640.9A
(b) MCM, 1984, R.C.M. 305
(c) MCM, 1984, R.C.M. 304
(d) JAGINST 5800.7B, Sec. 0117
(e) MARADMIN 539-00

Encl: (1) Confinement Order, Example (Pre-Trial Confinement)
(2) Required Items for Confinement of Post and Pretrial Male Service Members
(3) Suggested Pretrial Confinement Letter, Example
(4) Suggested Initial Review Officer's Hearing Guide
(5) Report of Proceedings
(6) Report of Initial Review Officer's Hearing for Continued Confinement, Marine Corps Air Station Yuma, Arizona 85369-5000
(7) Initial Review Officer's Release Order, Marine Corps Air Station, Yuma, Arizona
(8) Petition for Rehearing
(9) Order Concerning Petition for Rehearing
(10) Escort Chaser Card
(11) DD629 Receipt for prisoner or detained person
(12) Confinement Order, Example (Summary Court-Martial)
(13) Record of Trial by Summary Court-Martial
(14) Confinement Order, Example (Sentence/Post Trial, Special and General Court-Martial)
(15) Results of Trial (Special/General)
(16) Confinement Order, Example (Vacated Suspension)
(17) Report of Proceedings to Vacate Suspension of a General Courts-Martial Sentence Including a Bad-Conduct Discharge Under Article 72, UCMJ, and R.C.M. 1109, Example
(18) Request for Deferment of Confinement, Example
(19) Prisoner's Release Order, Example

1. Purpose. To promulgate Pretrial Confinement Facility Operations, per the references.

2. Cancellation. StaO 5830.1A.

3. Summary of Revision. This Order contains substantial changes and requires review in its entirety.

4. Background. Reference (a) defines a Detention Facility as a Pretrial Confinement Facility (PCF), a detention space or a holding cell, and also provides for confinement of military members in either pretrial confinement status or following conviction at a military court-martial. Per reference (e), the Marine Corps Detention Facility at MCAS Yuma is designated as a Pretrial Confinement Facility. This Order provides information to confining commands regarding the Marine Corps Air Station (MCAS) Confinement Facility. The Officer in Charge (OIC) of the Confinement Facility will publish and maintain a Standard Operating Procedure to provide additional guidance to Confinement Facility Staff.

5. Policy. Reference (a) states, "It is the policy of the Secretary of the Navy that the treatment of persons in naval confinement will be uniform and in full accordance with the provisions of the Uniform Code of Military Justice and that the purpose of all confinement is the corrections of those confined." This policy will be strictly adhered to in the MCAS Confinement Facility. This Order is the basic directive of the operation of the MCAS Confinement Facility and amplifies those instructions contained in reference (a) and other pertinent directives.

6. Definitions

a. Arrest. Arrest is the restraint of a person by oral or written order not imposed as punishment, directing the person to remain within specified limits; a person in the status of arrest may not be required to perform full military duties such as commanding or supervising personnel, serving as guard, or bearing arms. The status of arrest automatically ends when the arrestee is placed by competent authority on duty inconsistent with the status of arrest, but this shall not prevent requiring the person arrested to do ordinary cleaning or policing, or to take part in routine training and duties.

b. Commander. This term includes the immediate or higher commander of the prisoner and the commander of the installation on which the confinement facility is located.

c. Initial Review Officer (IRO). A neutral and detached officer in the grade of Major or higher. The IRO reviews the

adequacy of probable cause to believe the prisoner has committed an offense and of the necessity for continued pretrial confinement.

d. Pretrial Restraint. Pretrial restraint is the moral or physical restraint on a person's liberty, which is imposed before and during disposition of charges. Pretrial restraint may consist of arrest, restriction in lieu of arrest, or confinement.

e. Pretrial Confinement Facility. A facility used for the confinement of pretrial detainees and post-trial prisoners who have 30 days or less confinement remaining to their adjusted release date upon convening authority action.

f. Detention Space. Any cell, room, or other berthing space of the shore establishment used for short-term detention of 8 hours or less.

g. Holding Cell. A cell used for short-term detention, defined to mean no more than 24 hours during the workweek; not more than 72 hours over a weekend; and not more than an additional 24 hours over an official holiday weekend.

7. Organization. The Commanding Officer (CO), MCAS Yuma, AZ, is responsible for the establishment of the Confinement Facility. The Confinement Facility OIC shall be appointed, in writing by the CO and shall be responsible directly to the CO for all matters pertaining to the facilities operation. The appointment order shall delineate the extent of delegation of administrative disciplinary authority, if any. The OIC shall operate the facility in full accordance with the requirements of the references, and is responsible for the training and supervision of all staff members assigned to the Detention Facility. The Detention Facility OIC will publish a Standard Operating Procedure to include special orders for staff personnel, emergency bills and a Victim/Witness Notification Program.

8. Place of Confinement. The Detention Facility has been designated as a place of confinement, per the provisions of reference (a), article 1103.1, for personnel sentenced to confinement of thirty days or less. The maximum population of the Detention Facility is established by the Commandant of the Marine Corps.

9. Requirements for Pretrial Confinement. Any commissioned officer may order pretrial confinement of any enlisted person. An officer may be confined only by order of his or her CO.

The commander of the person ordered in to confinement shall direct the prisoner's release from pretrial confinement no later than forty-eight hours after confinement is ordered unless the commander believes, upon probable cause, that:

a. An offense triable by a court-martial has been committed; and

b. Confinement is necessary because it is foreseeable that:

(1) The detainee will not appear at trial, pretrial hearing, or investigation, or

(2) The detainee will engage in serious criminal misconduct; and

c. Less severe forms of pretrial restraint are inadequate.

10. Pretrial Confinement

a. When a service member is placed in pretrial confinement, the Confinement Order will be used, enclosure (1). Male Marines will have the required items with them upon confinement, enclosure (2). No later than forty-eight hours after receipt of a report that a member of the commander's unit or organization has been confined, the commander shall decide whether pretrial confinement will continue. If the commander approves continued pretrial confinement, the commander shall prepare a written letter that states the reason for continued confinement, enclosure (3). This letter, which is required for the IRO's review, will be forwarded to the Detention Facility Staff Noncommissioned Officer in Charge (SNCOIC). The letter should be received at the Detention Facility within 48-hours after confinement is ordered.

b. The IRO will set the date and time for the review of pretrial confinement. This review shall be made within seven days of the imposition of pretrial confinement, ideally, as soon as possible after receipt of the forty-eight-hour-letter, but in no case later than ten days. If the confinee has requested legal counsel, the Detention Facility SNCOIC shall notify military counsel of the time and date of the review. The IRO shall use enclosure (4) in conducting the informal review hearing. After consulting a defense counsel, the detainee may choose to waive the hearing and accept the probable cause determination previously made by the Commanding Officer. No hearing is then necessary. The IRO will examine the Commanding Officer's probable cause determination

letter (the forty-eight hour letter). If the IRO determines the letter does not contain the necessary requirements to continue pretrial confinement, a finding of continued pretrial confinement shall be made using page one of Enclosure (6).

c. Promptly after the conclusion of the informal hearing, the IRO shall determine whether the detainee should remain in confinement. The results of the hearing shall be recorded, in summary, utilizing enclosure (5). If the decision is to continue confinement, it shall be in writing, enclosure (6), and shall include a brief statement of the reasons in support thereof.

d. If it is determined that the detainee should be released from confinement because of either a decision made at the hearing, or if the hearing was waived, or that the forty-eight hour letter did not contain the necessary requirements to continue pretrial confinement, the IRO will so notify the detainee's commander, using enclosure (7), and shall direct the Detention Facility OIC to release the detainee to the command. The commander may thereafter impose any authorized form of pretrial restraint, other than confinement, deemed necessary. Once released by the IRO, the service member may be re-confined only upon discovery, after the release order, of evidence of misconduct that either alone or in conjunction with all other available evidence, justifies confinement. The service member may not be re-confined on the same charges unless additional evidence is developed. The case will then be reviewed in the same manner with a new hearing.

e. If release from pretrial confinement is denied, the detainee may later petition the IRO in writing in the format set forth in enclosure (8), for new consideration of the case. In no event does a detainee have the right to a rehearing. Such petition must be based on new circumstances that have arisen since the initial determination was made or on any new information as to whether the confinement should continue. A new hearing may be granted at the discretion of the IRO. If granted, the detainee shall be present. The IRO shall continue to maintain a record of the decision and the reasons therefore using enclosure (9), and shall append thereto all documentary evidence subsequently submitted.

f. The Detention Facility OIC is responsible for distribution of the original report of enclosures (4) through (9) to the commander of the detainee. The Detention Facility shall maintain copies of the above listed enclosures in each case for their own records until completion of appellate review, per reference (d).

11. Confinement Information

a. The Detention Facility is not a Correctional Custody facility and will not accept article 15 correction custody confinees.

b. Guidance concerning the confinee's program and regulations for confinee conduct are contained in the Confiner Rules and Regulations of the Detention Facility Standard Operating Procedures (SOP).

c. Once the confinee is confined, custody and control, supervision, work assignment and custody classification of the confinee are the purview of the Detention Facility OIC. Administrative matters, such as pay and legal matters, are still the responsibility of the confining command.

d. Once a week each confinee must be visited by an officer or staff noncommissioned officer (SNCO) from their command to ascertain the confinee's state of health, legal or personal needs. The scheduled time for this visit is 0730 to 1530 each Thursday. Confiner are listed on the Weekly Prisoner Status Report, which is delivered to each CO who has personnel confined.

e. It is the command's responsibility to ensure that its confinees appear in the proper uniform for court-martial or other legal proceedings. The command will inform the Detention Facility of any appointment or court-martial twenty-four hours in advance.

f. Immediately upon change of status of a prisoner, e.g., from "awaiting action of a higher authority to court-martial" or from "article 32 to court-martial," the confining command shall notify the Detention Facility of the change. The Weekly Prisoner Status Report shall be inspected to ensure its correctness and the Detention Facility notified immediately of any discrepancies.

g. The confining command must provide confinee escorts when the presence of the confinee is required for temporary release from the Detention Facility. Each escort must have a valid chaser card, DD Form 629 enclosure (10) and duty belt. Qualified escorts are not required for permanent releases or confinements.

h. All service members must attend a chaser class in order to be a qualified escort.

i. Prisoners will be released during normal working hours. Prisoners will not be held in confinement beyond their release dates, as defined in SECNAVINST 1640.9A, paragraph 302.5a, to complete administrative disciplinary punishments, to await transportation, to complete a forfeiture of pay or because of any indebtedness to the government.

12. Guidelines for Confining Prisoners

a. When a service member has been confined as a result of a Summary Court-Martial, the Confinement Order will be used, enclosure (12). The Results of Trial, enclosure (13), and if applicable, Convening Authority's (CA's) Actions, enclosure (13), must be provided. The required uniform and health and comfort items listed in enclosure (2) must accompany the service member.

b. When a service member has been confined as a result of a Summary Court-Martial or a General Court-Martial, the Confinement Order will be used, enclosure (14). The Results of Trial, enclosure (15), and if applicable, any pretrial agreement or CA's Action must be provided. The required uniform and health and comfort items listed in enclosure (2) must accompany the service member.

c. If the service member was in pretrial confinement prior to court-martial and receives confinement, a new Confinement Order is required. However, there is no requirement for a new confinement physical.

d. When a service member has been confined as the result of a vacated suspension, the Confinement Order, enclosure (16), will be submitted with the results of Trial, Pretrial Agreement, CA's Action and uniform and health and comfort items. Also needed are pages one through four of the Report Proceedings to Vacate Suspension, DD Form 455, enclosure (17).

e. Any time confinement is deferred, a copy of the Letter of Deferment is also required, enclosure (18).

f. When completing the Confinement Order, both the specifications and charges must be listed in the specifications blank. The specifications should include the dates, times, name, and any information pertinent to the charges. In the case of an adjudged or sentenced prisoner, only the charges and specifications they were convicted of will be listed.

g. Authorized signatures for confinement during working hours are the CO's or personnel with By direction authority. After working hours, any commissioned officer, preferably the Officer of the Day (OOD), may sign a Confinement Order.

h. Before accepting a service member for confinement, he/she shall be examined by qualified medical personnel to determine fitness for confinement. This determination will normally be a physical examination by a medical officer. If a medical officer is not available at the time of confinement, the physical examination may be conducted by paramedical personnel, followed by a medical officer's examination, within twenty-four hours. The results of the service member's last Human Immune Virus (HIV) test must be annotated on the Confinement Order and the service member must have been tested within the last twelve months. Service members under the influence of alcohol or illegal drugs, or psychologically unfit, as determined by a medical officer, shall not be confined. Personnel considered suicidal may not be confined; however, upon a medical officer's determination that the service member has suicidal tendencies or suicidal ideations, the service member may be confined on a prevention of injury watch, provided the medical officer finds the service member otherwise fit for confinement.

i. Officers will not be confined at the MCAS Detention Facility. When deemed necessary, the officer may be placed under arrest in quarters, confined at the Yuma County Adult Detention Facility (YCADF), with the unit bearing the cost, or transferred to the Correction Facility, Marine Corps Base (MCB) Camp Pendleton, CA. The MCAS Detention Facility should be notified by the unit in the event that an officer will be confined in order to facilitate notification and liaison with YCADF or MCB Camp Pendleton Brig.

j. Female prisoners and detainees cannot be confined at the MCAS Detention Facility; however, females may be confined at the nearest military brig facility or at YCADF under the following guidelines:

(1) Once a female service member has been sentenced to confinement or when the need for pretrial confinement arises, the Detention Facility must be notified immediately, so that arrangements may be made with a military brig facility or YCADF.

(2) The confining command shall bear all costs resulting from a confinement at YCADF.

(3) The confining command will provide chaser escorts and transportation for confinement and release. At least one of the chaser escorts will be female.

(4) All of the paperwork specified in 10a through 10h must accompany the service member and in addition, a pregnancy test must be given during the confinement physical. A copy of the test will be attached to the Confinement Order.

(5) All procedures for pretrial prisoners will be the same for females, except that the IRO's hearing and all command visits will be performed at the place of confinement. A copy of the Command Visit form will be returned to the MCAS Detention Facility.

(6) A message from the confining command needs to be sent to: //CMC WASHINGTON DC//POS 40// twenty-four hours after confinement at YCADF.

13. Releases

a. A temporary release may be authorized for no more than twenty-four hours for reasons of necessity only, i.e., request mast, medical, hair cuts, etc. A receipt for prisoner or detained person, enclosure (11), will be completed by the unit.

b. A Prisoner's Release Order, enclosure (19), will be used for periods of release over twenty-four hours and when confinement is terminated. The Prisoner's Release Order will be completed by the Detention Facility staff and signed by the Detention Facility's CO or OIC, when designated.

14. Transportation of Detainees/Confinees. The confining units will provide transportation and chaser escorts to and from all appointments. All confinees sentenced to more than thirty days confinement, will be transferred to the MCB Camp Pendleton Brig. The Detention Facility will provide transportation and escorts. Contact should be made with the MCAS Detention Facility immediately in order to arrange the prisoner's transfer to MCB Camp Pendleton.

15. Custody Classifications and Billeting

a. Initial custody classification assigned to incoming prisoners will be Medium-Close custody, unless specific reasons exist for Maximum custody.

b. Custody classifications are determined by the NCOIC and OIC only, and may be changed where sufficient cause exists at their discretion.

c. All initial confinements will be placed in segregation until a period of indoctrination has been completed. In the event of overcrowding, segregation cells may be used for prisoners presenting the greatest threat to themselves or escape risks. Segregation cells are designated as single occupancy only.

16. Working Parties Outside the Detention Facility. Medium custody prisoners will be the only prisoners utilized for working parties outside the Detention Facility, and will not be required to wear restraints.

17. Victim/Witness Program. The Detention Facility, in coordination with the Staff Judge Advocate's Office, shall establish a Victim/Witness Program. All requests for information shall be addressed to the Staff Judge Advocate at MCAS Yuma, who will coordinate liaison with the Detention Facility Victim/Witness coordinator.

18. Certification. Reviewed and approved this date.


MARK E. CONDRA

NAME (Last, first, middle) DOE, John Jacob	SSN 123 45 6789	RATE/GRADE PFC/E-2	BRANCH SER USMC
SHIP OR ORGANIZATION H&HS, MCAS YUMA, AZ.		DATE 16 August 2000	

STATUS

DETAINED (Alleged violation of UCMJ Articles) ART 86 Unauthorized Absence from 1630/000215 to 0912/000227 ART 92 Disobeying a lawful order from SgtMaj Jones		CONFINED AS RESULT OF <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> NJP <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM </div> <input type="checkbox"/> VACATED SUSPENSION		
		CHARGES AND SPECIFICATION CONVICTED OF 		
		SENTENCE ADJUDGED:		DATE
		IF SENTENCE DEFERRED, DATE DEFERMENT TERMINATED:		
		SENTENCE APPROVED	APPROVED BY	DATE
			CA	
			SA	
			NCMR	
			COMA	
			OTHER	

<i>"I have been informed that I am being confined for the above alleged offense(s)"</i> <div style="display: flex; justify-content: space-between;"> <div> <u>16 August 2000</u> <i>Date</i> </div> <div> x <i>Signature of accused</i> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <u>16 August 2000</u> <i>Date</i> </div> <div> x <i>Signature of witness</i> </div> </div>	

PRE-TRIAL CONFINEMENT NECESSARY-

☐ TO ENSURE THE PRESENCE OF THE ACCUSED AT THE TRIAL ☐ BECAUSE OF THE SERIOUSNESS OF THE OFFENSE CHARGED
(MARK THE APPROPRIATE BOX FOR PRETRIAL CONFINEMENT)

CONFINEMENT DIRECTED AT		TYPED NAME/RANK/TITLE
HOUR	DATE	B. A. MARINE, LTCOL, CO
1300	16 August 2000	SIGNATURE x

MEDICAL CERTIFICATE

The above named individual was examined by me at 1600 on 16 August 2000 and found to be
(HOUR) (DATE)

☒ *fit* ☐ *unfit for confinement. The following irregularities were noted during the examination; (if none, so state):*

☒ I certify that from an examination of DOE, John Jacob PFC 123 45 6789

Name Rate SSN

and of the place where he/she is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water) (diminished rations) will/ will not produce serious injury to his/her health. (ANNOTATE LAST HIV TEST)

TYPED NAME/RANK/TITLE I, M, DOCTOR, LT MC USN (MEDICAL OFFICER)	SIGNATURE x
--	----------------

RECEIPT FOR PRISONER

The above named individual was received at _____ (NAME OF BRIG/CORRECTIONAL FACILITY)

at _____ on _____
(HOUR) (DATE)

TYPED NAME/RANK/TITLE	SIGNATURE
-----------------------	-----------

REQUIRED ITEMS FOR CONFINEMENT OF POST
AND PRETRIAL MALE SERVICE MEMBERS

1. The below listed clothing and health and comfort items are required to be with service members upon confinement at the MCAS Detention Facility, Yuma. During normal working hours, all applicable items are required. If a confinement occurs after normal working hours, the parent command is responsible for getting required items to the confined male service member the next working day. Unserviceable items will not be accepted.

2. If a service member does not have the prescribed uniforms, a NAVMC 604 Form will be filled out for any missing gear. If a service member is in a nonpay status, a NAVMC 604 Form must be prepared for issue of clothing as a 0 + MMC funded issue. A DD 504 Form will be used to request health and comfort supplies when the male service member is in a pay status.

INDIVIDUAL CLOTHING

boots (no steel toes)	2
boot bands	2
skivvie drawers	6
skivvie shirt (green)	6
socks (black wool)	4
socks (white)	3
PT Shorts (green)	1
running shoes	1

HEALTH & COMFORT

laundry bag	1
soap (bath)	2
towel (white)	2
face cloth (white)	2
shampoo	1
deodorant (stick)	1
tooth brush	1
tooth paste	1
shaving cream ***	1
razor (disposable)	5
laundry soap	1
boot polish gear	1
nail clippers	1
comb (4" plastic)	1
shower shoes	1

*** NO EDGE SHAVING CREAM ***

OPTIONAL ITEMS

letter writing gear (pen, paper, envelopes and stamps)
cigarettes (unopened)
matches (no lights)

NORMAL WORKING HOURS (MON-FRI 0700-1630)

TROPICAL HOURS (MON-FRI 0600-1400)

ENCLOSURE (2)

EXAMPLE

HEADQUARTERS AND HEADQUARTERS SQUADRON
BOX 99160
YUMA AZ 85369-9160

SSIC
Code
Date

From: Commanding Officer, Headquarters and Headquarters Squadron,
Marine Corps Air Station, Yuma
To: Initial Review Officer

Subj: PRETRIAL CONFINEMENT OF PRIVATE FIRST CLASS JOHN J. DOE
123 45 6789/1234 USMC

Ref: (a) MCM, 1984, R.C.M 304

Encl: (1) Report of Investigation of 19 Nov 91
(2) UPB for Restriction of 23 Jul 92
(3) PFC Doe's Restriction Paper of 23 Jul 92
(4) SACO msg and Confirmation ltr of 4 Dec 92
(5) Incident Complaint Report of 18 Dec 92
(6) Certified True Copy Page 11 (SRB)
(7) Certified True Copy Page 11 (SRB)

1. Per the reference, PFC Doe was placed in pretrial confinement at 1300 on 8 January 1993 for violation of articles 134 (two counts), 112a, possible 121 (awaiting Criminal Investigation Division (CID) investigation) and 128.

2. Pretrial confinement in this case is deemed appropriate and the following justification/facts apply:

a. That the offenses committed are properly triable by court-martial. It is the intent of this command to pursue a Special Court-Martial and a Punitive Discharge. If investigation reveals additional charges, the command will pursue even greater disciplinary action.

b. That the accused committed the offenses, based upon a reasonable interpretation of the preliminary evidence presented to date by CID, for article 121, Larceny, enclosure (1).

ENCLOSURE (3)

StaO 5830.1B

c. That PFC Doe failed to comply with the restriction order from the Commanding Officer (CO), Headquarters and Headquarters Squadron (H&HS), by leaving barracks 984 on 1 and 2 January 1993 and not signing restriction papers, enclosures (2) and (3).

d. That PFC Doe tested positive for Amphetamine/Methamphetamine on 16 November 1992 and was referred to a Special Court-Martial by the CO, H&HS, enclosure (4).

e. That on 7 February 1993, while in a fight with Lance Corporal Brown, Marine Aviation Logistics Squadron-13 (MAL-13), PFC Doe commenced kicking LCpl Brown in the face while he was on the ground, causing serious injury, in that LCpl Brown was medivaced to Balboa and is currently awaiting surgery, enclosure (5).

f. That PFC Doe has been counseled repeatedly by the CO, Executive Officer (XO), OIC and Sergeant Major (SgtMaj) about his frequent involvement with military authority and lack of discipline, enclosure (6).

3. PFC Doe is a major disruption to morale and the good order and discipline of the unit. He is blatant in his disregard for orders of his superiors and the articles of the UCMJ, enclosure (7).

4. It is my opinion that, based on the above violations and his basic demeanor, PFC Doe will go UA (unauthorized absence) and/or seriously hurt another individual if he is not confined. I highly recommend that he remain confined until trial to ensure his presence and the safety of others.

CO'S NAME

ENCLOSURE (3)

SUGGESTED INITIAL REVIEW OFFICER'S HEARING GUIDE

1. I am _____, the IRO. I have been appointed to conduct an informal hearing to determine:

a. If there is probable cause to believe an offense(s) has been committed.

b. If there is probable cause to believe you committed the offense(s).

c. If pretrial confinement is required in your case.

You are advised that you are suspected of the offense(s) of _____.

Do you understand the offense(s) of which you are suspected?

2. You are advised that, per UCMJ, article 31 and the Fifth Amendment of the U.S. Constitution, you have the right to remain silent and make no statement at all concerning these allegations. However, if you do make a statement, it may be used against you as evidence in a trial by court-martial or other judicial or administrative proceeding. You have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by you at no cost to the United States or a military lawyer appointed to act as your counsel, at no cost to you, or both. Do you understand your rights that I have just related to you?

a. (note that you are represented at this hearing by a judge advocate, _____, (and by a civilian attorney, _____)).

b. (I note that you are not represented by counsel at this hearing. Have you retained or been appointed a lawyer concerning these allegations? (NOTE: If confinee has a lawyer, counsel shall be afforded an opportunity to be present at the hearing. If confinee has no lawyer, give the following: No lawyer has been appointed to represent you at this hearing, but you will be afforded an opportunity to discuss your case with a lawyer if the charge(s) against you is referred to trial by court-martial).

c. (I further note that the CO is represented at this hearing by _____).

ENCLOSURE (4)

3. You (and your counsel) will be present throughout this hearing and will be able to examine all written evidence presented and hear all testimony presented. However, the rules of evidence do not apply. Furthermore, there is no right to confront witnesses who do testify. You (or your counsel) may present any matter you desire to have considered as to whether or not confinement should be continued. This may include, but is not limited to, oral or written statements by you, statements of others, documents, or the testimony of available witnesses. Your counsel may speak on your behalf.

4. Your CO has submitted a report (with attached statements, documents) in support of your continued confinement. You may now examine that report (and attachments).

5. (Confinee), if I were to order your release today, on your own recognizance, would you be willing to agree, in writing, to the terms and conditions listed in the Recognizance form? Enclosure (20). (If so, would you sign it now?)

6. (Command representative), you may make an opening statement, if you desire, and you may present any evidence, including testimony, that was not attached to the Commander's pretrial confinement letter, enclosure (3). You are further advised that, in order to expedite matters and to present a more accurate record of this hearing, written statements, service record book (SRB) or unit diary entries, or other documentary evidence is preferred over testimony. You may proceed.

7. (Confinee or counsel), you may now make an opening statement, if you desire, and present any matter you desire to have considered.

8. (Command representative), do you have anything in rebuttal?

9. (Command representative), you may now make a concluding statement, if you desire.

10. (Command representative), you may now make a rebuttal statement, if you desire.

11. This hearing will be closed for deliberation.

12. This hearing will now be opened. I find:

a. That probable cause does (not) exist to believe the offense(s) was committed.

ENCLOSURE (4)

b. That probable cause does (not) exist to believe that you committed the offense(s).

c. That probable cause does (not) exist to believe that continued pretrial confinement is required (to ensure your presence at trial) (to prevent foreseeable serious misconduct).

(1) (If decision is to continue confinement: a copy of my written decision will be forwarded to you, in writing, in the next few days. This decision is final and will not be reconsidered on the same facts and circumstances. However, at any time before trial is commenced, you or your counsel may present a written petition for a hearing. Rehearings will be granted only upon showing that new circumstances have arisen since the initial determination was made or on new information as to whether you should be continued in confinement. Notwithstanding my decision to continue pretrial confinement, your CO may order your release at any time) or

(2) (If decision is to order release: you are therefore ordered released from confinement. My decision is final and may not be administratively appealed by the government. You may be reconfined only upon discovery of a different offense which would justify pretrial confinement or new evidence pertaining to the offense for which pretrial confinement was originally ordered, establishing both a lawful basis and a need for pretrial confinement. Your CO is free to impose any form of restraint, other than confinement, which is authorized by military law and deemed necessary by such CO. (I recommend the following form of restraint and other conditions: _____.) The report of my decision to release you will be forwarded to your CO as soon as possible.

ENCLOSURE (4)

REPORT OF PROCEEDINGS

Date

IN THE MATTER OF _____

1. A hearing to determine probable cause to confine _____ and the necessity for continued pretrial confinement was held at _____ on _____ at _____ hours.

2. The following persons were present:

3. The following items or summary of testimony were considered by the Initial Review Officer (IRO):

a. Commander's pretrial confinement letter, enclosure (3), with attachments.

b.

c.

d.

4. The offense(s) for which the accused was confined for are:

5. Upon acknowledging an understanding of rights and of the nature of these proceedings, the confinee did (not) present (the following) matter(s) to be considered:

6. Comments:

ENCLOSURE (5)

StaO 5830.1B

7. The following findings were made at MCAS Yuma, AZ on _____:

a. Upon consideration of the items listed in the Report of Proceedings in this matter, the IRO finds that there is:

(1) _____ Probable cause to believe that the accused committed the offense(s) alleged.

(2) _____ No probable cause to believe that the accused committed the offense(s).

b. Upon consideration of the items listed in the Report of Proceedings and findings with respect to probable cause in this matter, the IRO further finds that there is:

(1) _____ Probable cause to support a need for pretrial confinement and that confinement is fully justified, no alternative action being practicable or appropriate.

(2) _____ An absence of evidence affirmatively establishing a need for pretrial confinement and that the accused is entitled immediately to be released from pretrial confinement on recognizance.

Initial Review Officer

Copy to: w/attchs
Orig: CO
SNM
Dir, Law Center
NCOIC, Detention Facility

ENCLOSURE (5)

REPORT OF INITIAL REVIEW OFFICER'S HEARING
FOR CONTINUED CONFINEMENT

Date

IN REFERENCE TO _____

On the above date, a hearing was held pursuant to the requirements of MCM, 1984, R.C.M. 305. On the basis of the evidence then coming before the Initial Review Officer (IRO), it is determined that continued pretrial confinement is appropriate. The accused will be confined at the Detention Facility, Marine Corps Air Station Yuma, AZ.

Reason: I, the IRO, have found that appropriate lesser forms of restriction or conditions on release have been tried or considered and are inadequate, and:

(check as appropriate)

_____ Pretrial confinement is necessary to assure the presence of the accused at trial.

_____ Pretrial confinement is necessary to avoid foreseeable future serious criminal misconduct by the accused.

Comments:

Initial Review Officer

Copy to:
Orig: CO
SNM
IRO
Dir, Law Center
NCOIC, Detention Facility

ENCLOSURE (6)

•

1

F1

LC

INITIAL REVIEW OFFICER'S RELEASE ORDER

Date

IN REFERENCE TO _____

On the above date, a hearing was held pursuant to the requirements of MCM, 1984, R.C.M. 305. On the basis of the evidence then coming before the Initial Review Officer (IRO), it is determined that continued pretrial confinement is not appropriate. The service member is entitled to release from pretrial confinement.

Comments:

Initial Review Officer

Copy to:
Orig: CO
SNM
IRO
Dir, Law Center
NCOIC, Detention Facility

ENCLOSURE (7)

PETITION FOR REHEARING

Date

IN THE MATTER OF _____

The petitioner requests that a rehearing be conducted for a new consideration of findings in this matter on the grounds of:

The Commanding Officer and Director, Law Center have been notified.

Signature

Title

Copy to:
Orig: CO
SNM
IRO
Dir, Law Center
NCOIC, Detention Facility

ENCLOSURE (8)

ORDER CONCERNING PETITION FOR REHEARING

Date

IN THE MATTER OF _____

Upon the petition of _____ for a new
consideration of my findings in this matter on _____,
based on the following new information:

The petition for a rehearing is denied. A rehearing for a new
consideration of my findings will take place at _____ on
_____ at _____.

Initial Review Officer

Copy to:
Orig: CO
SNM
IRO
Dir, Law Center
NCOIC, Detention Facility

ENCLOSURE (9)

NAME OF ESCORT			
PHOTO	SSN		RATE
	DIVISION		
	DEPARTMENT		
	DATE OF BIRTH	DATE ISSUED	
ISSUED BY (Warden)			

PRISONER ESCORT IDENTIFICATION NAVPERS 1640/18 (6-72)
 S/N - 0106-LF-079-3000

COMPLEXION	DATE EXPIRES
HEIGHT	WEIGHT
COLOR HAIR	COLOR EYES

I hereby certify that I have read, had explained to me, and fully understand the contents of the prisoner escort regulations, and that I will abide by the contents thereof to the best of my ability while escorting prisoners from the Correctional Center.

THE USE OF FIREARMS IS NOT AUTHORIZED

SIGNATURE OF ESCORT

D-09460

ENCLOSURE (10)

RECEIPT FOR PRISONER OR DETAINED PERSON		
RECEIVED FROM <i>(Unit or Agency and Station)</i>	TIME	DATE
LAST NAME - FIRST NAME - MIDDLE INITIAL	SERVICE NUMBER AND SSAN	GRADE
ORGANIZATION	STATION	
OFFENSE		
PERSONAL PROPERTY		
REMARKS		
NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL <i>(Typed or Printed)</i>	SERVICE NUMBER AND SSAN	GRADE
RECEIVING UNIT OR AGENCY AND STATION	SIGNATURE	

DD Form 629, MAR 58 (EG)

Designed using Perform Pro, WHS/DIOR, Dec 94

ENCLOSURE (11)

CONFINEMENT ORDER

NAVPERS 1640/4 (Rev. 7-82) S/N 0106-LF-016-4023

NAME (Last, first, middle) DOE, JOHN JASON		SSN 123 45 6789	RATE/GRADE PFC/E-2	BRANCH SER USMC
SHIP OR ORGANIZATION HQHQRON, MCAS YUMA, AZ.			DATE 01 JANUARY 2000	
STATUS				
DETAINED (Alleged violation of UCMJ Articles) <div style="transform: rotate(-45deg); position: absolute; left: -100px; top: 50px; font-weight: bold;">DO NOT USE FOR COURT-MARTIALS</div> <p>"I have been informed that I am being confined for the above alleged offense(s)"</p> <p>Date _____ Signature of accused _____</p> <p>Date _____ Signature of witness _____</p>		CONFINED AS RESULT OF <input type="checkbox"/> VACATED SUSPENSION <input type="checkbox"/> NJP <input checked="" type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM		
		CHARGES AND SPECIFICATION CONVICTED OF ART 86 UA from 1630/991001 to 0912/991016 (USE REVERSE SIDE IF NECESSARY)		
		SENTENCE ADJUDGED: CONFx30 days/RED E-1/FF100x1mo.		DATE 01 JANUARY 2000
		IF SENTENCE DEFERRED, DATE DEFERMENT TERMINATED:		
		SENTENCE APPROVED	APPROVED BY	DATE
		IF APPLICABLE	CA	
			SA	
			NCMR	
			COMA	
			OTHER	

PRE-TRIAL CONFINEMENT NECESSARY-

- ☐ TO ENSURE THE PRESENCE OF THE ACCUSED AT THE TRIAL ☐ BECAUSE OF THE SERIOUSNESS OF THE OFFENSE CHARGED
(DO NOT USE THIS SECTION FOR COURT-MARTIALS)

CONFINEMENT DIRECTED AT		TYPED NAME/RANK/TITLE
HOUR	DATE	B. A. MARINE, LTCOL, CO.
1300	01 JANUARY 2000	SIGNATURE
		X

MEDICAL CERTIFICATE

The above named individual was examined by me at 1600 on 01 January 2000 and found to be
(HOUR) (DATE)

☒ fit ☐ unfit for confinement. The following irregularities were noted during the examination; (if none, so state):

☒ I certify that from an examination of DOE, JOHN JASON PFC/E-2 123 45 6789
Name Rate SSN

and of the place where he/she is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water) (diminished rations) will/will not produce serious injury to his/her health.

NOTE LAST HIV X

TYPED NAME/RANK/TITLE	SIGNATURE
I. M. DOCTOR, LT MC USN, MEDICAL OFFICER	X

RECEIPT FOR PRISONER

The above named individual was received at _____
(NAME OF BRIG/CORRECTIONAL FACILITY)

at _____ on _____
(HOUR) (DATE)

*NOTE RESULTS OF TRIAL MUST ACCOMPANY THIS ORDER TO BRIG.

*NOTE PHYSICAL TIME MUST BE AFTER CONFINEMENT DIRECTED AT TIME.

TYPED NAME/RANK/TITLE	SIGNATURE

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED (Last, First, MI)	b. GRADE OR RANK	c. UNIT OR ORGANIZATION OF ACCUSED	d. SSN
2a. NAME OF CONVENING AUTHORITY (Last, First, MI)	b. RANK	c. POSITION	d. ORGANIZATION OF CONVENING AUTHORITY
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state.)	b. RANK	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL	
(Check appropriate answer)			YES NO
4. At a preliminary proceeding held on _____ 19 _____, the summary court-martial gave the accused a copy of the charge sheet.			
5. At that preliminary proceeding the summary court-martial informed the accused of the following:			
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.			
b. The identity of the convening authority.			
c. The name(s) of the accuser(s).			
d. The general nature of the charge(s).			
e. The accused's right to object to trial by summary court-martial.			
f. The accused's right to inspect the allied papers and immediately available personnel records.			
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.			
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.			
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.			
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.			
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.			
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.			
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.			
n. The accused's right to plead guilty or not guilty.			
6. At the trial proceeding held on _____ 19 _____, the accused, after being given a reasonable time to decide, <input type="checkbox"/> did <input type="checkbox"/> did not object to trial by summary court-martial. (Note: The SCM may ask the accused to initial this entry at the time the election is made.) _____ (Initial)			
7a. The accused <input type="checkbox"/> was <input type="checkbox"/> was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)			
b. NAME OF COUNSEL (Last, First, MI)			c. RANK (If any)
d. COUNSEL QUALIFICATIONS			

8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)

9. The following sentence was adjudged:

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)

☐ YES

☐ NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.

☐ YES

☐ NO

12. AUTHENTICATION

Signature of Summary Court-Martial

Date

13. ACTION BY CONVENING AUTHORITY

Typed Name of Convening Authority

Position of Convening Authority

Rank

Signature of Convening Authority

Date

CONFINEMENT ORDER

NAVPERS 1640/4 (Rev. 7-82) S/N 0106-LF-016-4023

NAME (Last, first, middle) DOE, JOHN JASON	SSN 123 45 6789	RATE/GRADE PFC/E-2	BRANCH SER USMC
SHIP OR ORGANIZATION H&HS, MCAS YUMA, AZ		DATE 16 AUGUST 2000	

STATUS

DETAINED (Alleged violation of UCMJ Articles)

DO NOT USE
FOR

COURT-MARTIAL

"I have been informed that I am being confined for the above alleged offense(s)"

Date Signature of accused

Date Signature of witness

CONFINED AS RESULT OF

☐ VACATED SUSPENSION☐ NJP☐ SCM☒ SPCM☐ GCM

CHARGES AND SPECIFICATION CONVICTED OF

ART 112a - WRONGFUL USE of a Controlled Substance
(USE REVERSE SIDE IF NECESSARY)SENTENCE ADJUDGED: CONEX3mos/ RED
E-1/BCD/Forf ALL PAY & ALLOWDATE
16 AUGUST 2000

IF SENTENCE DEFERRED, DATE DEFERMENT TERMINATED:

SENTENCE APPROVED

APPROVED BY

DATE

CA

SA

NCMR

COMA

OTHER

PRE-TRIAL CONFINEMENT NECESSARY-☐ TO ENSURE THE PRESENCE OF THE ACCUSED AT THE TRIAL☐ BECAUSE OF THE SERIOUSNESS OF THE OFFENSE CHARGED

(DO NOT USE THIS SECTION FOR COURT-MARTIALS)

CONFINEMENT DIRECTED AT		TYPED NAME/RANK/TITLE
HOUR	DATE	B. A. MARINE, LTCOL, CO.
1300	16 AUGUST 2000	SIGNATURE
		x

MEDICAL CERTIFICATEThe above named individual was examined by me at 1600 on 16 AUGUST 2000 and found to be
(HOUR) (DATE)☒ fit ☐ unfit for confinement. The following irregularities were noted during the examination; (if none, so state):☒ I certify that from an examination of DOE, JOHN JASON PFC/E-2 123 45 6789
Name Rate SSNand of the place where he/she is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water)
(diminished rations) will/ will not produce serious injury to his/her health.

NOTE LAST HIVx

TYPED NAME/RANK/TITLE	SIGNATURE
I. M. DOCTOR, LT MC USN, MEDICAL OFFICER	x

RECEIPT FOR PRISONER

The above named individual was received at (NAME OF BRIG/CORRECTIONAL FACILITY)

at (HOUR) on (DATE)

*NOTE RESULTS OF TRIAL MUST ACCOMPANY THIS ORDER TO BRIG.

*NOTE PHYSICAL TIME MUST BE AFTER CONFINEMENT DIRECTED AT TIME.

TYPED NAME/RANK/TITLE	SIGNATURE

UNITED STATES MARINE CORPS
THE LAW CENTER
MARINE CORPS AIR STATION
YUMA, ARIZONA 85369

5813

3AR

From: Trial Counsel, The Law Center, Marine Corps Air Station Yuma,
AZ

To: Commanding Officer

Subj: RESULTS OF TRIAL ICO U.S.V.

1. Forum. Judge Alone or Members

Convening Order Number and Date: *-97 dated *.

2. Charges and Specifications

<u>Violation of the UCMJ, Article(s)</u>	<u>Pleas</u>	<u>Findings</u>
Chg I: Viol of UCMJ, ART **	*	*
Spec: * * * *	*	*

3. Sentence Adjudged. *.

4. Pretrial Agreement. Pretrial agreement did not affect the sentence.

5. The Military Judge noted that the accused was confined on _____
_____ and is due _____ days of credit for pretrial confinement.

NAME
RANK
U.S. Marine Corps
Judge Advocate

ENCLOSURE (15)

CONFINEMENT ORDER

NAVPERS 1640/4 (Rev. 7-82) S/N 0106-LF-016-4023

NAME (Last, first, middle) DOE, JOHN JASON	SSN 123 45 6789	RATE/GRADE PFC/E-2	BRANCH SER USMC
SHIP OR ORGANIZATION H&HS, MCAS YUMA, AZ		DATE 16 AUGUST 2000	

STATUS

DETAINED (Alleged violation of UCMJ Articles) "I have been informed that I am being confined for the above alleged offense(s)" Date _____ Signature of accused _____ Date _____ Signature of witness _____	CONFINED AS RESULT OF <input checked="" type="checkbox"/> VACATED SUSPENSION <input type="checkbox"/> NJP <input type="checkbox"/> SCM <input checked="" type="checkbox"/> SPCM <input type="checkbox"/> GCM		
	CHARGES AND SPECIFICATION CONVICTED OF ART 86-UA From 1630/000404 to 0912/000520		
	SENTENCE ADJUDGED: CONFX45days/ Forf \$259x2mos/RED to E-2		DATE 30 JUNE 2000
	IF SENTENCE DEFERRED, DATE DEFERMENT TERMINATED:		
	SENTENCE APPROVED Suspend all CONF.	APPROVED BY CA	DATE 6 July 2000

PRE-TRIAL CONFINEMENT NECESSARY-

☐ TO ENSURE THE PRESENCE OF THE ACCUSED AT THE TRIAL ☐ BECAUSE OF THE SERIOUSNESS OF THE OFFENSE CHARGED
 (DO NOT USE THIS SECTION FOR COURT-MARTIAL)

CONFINEMENT DIRECTED AT		TYPED NAME/RANK/TITLE
HOUR	DATE	B. A. MARINE, LTCOL, CO
1300	16 AUGUST 2000	SIGNATURE
		x

MEDICAL CERTIFICATE

The above named individual was examined by me at 1600 on 16 AUGUST 2000 and found to be
 (HOUR) (DATE)

☒ fit ☐ unfit for confinement. The following irregularities were noted during the examination; (if none, so state):

☒ I certify that from an examination of DOE, JOHN JASON PFC/E-2 123 45 6789
 Name Rate SSN

and of the place where he/she is to be confined, I am of the opinion that the execution of the foregoing sentence to confinement on (bread and water) (diminished rations) will/will not produce serious injury to his/her health. NOTE LAST HIV x _____

TYPED NAME/RANK/TITLE	SIGNATURE
I. M. DOCTOR, LT MC USN, MEDICAL DOCTOR	x

RECEIPT FOR PRISONER

The above named individual was received at _____
 (NAME OF BRIG/CORRECTIONAL FACILITY)

at _____ on _____
 (HOUR) (DATE)

*NOTE RESULTS OF TRIAL MUST ACCOMPANY THIS ORDER TO BRIG.

*NOTE PHYSICAL TIME MUST BE AFTER CONFINEMENT DIRECTED AR TIME.

TYPED NAME/RANK/TITLE	SIGNATURE

**REPORT OF PROCEEDINGS TO VACATE SUSPENSION OF A GENERAL COURT-MARTIAL SENTENCE
OR OF A SPECIAL COURT-MARTIAL SENTENCE INCLUDING A BAD-CONDUCT DISCHARGE
UNDER ARTICLE 72, UCMJ, and R.C.M. 1109**

1a. TO: (Name of Officer exercising general court-martial jurisdiction - Last, First, MI)		2a. FROM: (Name of Officer exercising general court-martial jurisdiction - Last, First, MI)	
b. TITLE		b. TITLE	
c. ORGANIZATION		c. ORGANIZATION	
3a. NAME OF PROBATIONER (Last, First, MI)	b. RANK	c. SSN	d. ORGANIZATION
4. DATA AS TO TRIAL BY COURT-MARTIAL. ATTACH A COPY OF THE COURT-MARTIAL ORDER AND ANY SUPPLEMENTARY ORDERS OR, IF NO COURT-MARTIAL ORDER HAS BEEN PROMULGATED OR IS AVAILABLE, ATTACH A SUMMARY OF THE CHARGES AND SPECIFICATIONS, FINDINGS, SENTENCE, INITIAL ACTION, AND ANY SUPPLEMENTARY ACTIONS. ATTACH A COPY OF THE WRITTEN NOTICE OF SUSPENSION (See R.C.M. 1108(c)).			
5. ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION. (BRIEF STATEMENT AND DATE. See R.C.M. 1108(c) AND 1109(a) CONCERNING THE CONDITIONS OF SUSPENSION.)			
(Check appropriate answer)			
6. PURSUANT TO THE PROVISIONS OF ARTICLE 72, UCMJ, AND R.C.M. 1109, A HEARING WAS HELD ON THE ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION.			YES
7. BEFORE THE HEARING THE AUTHORITY CONDUCTING THE HEARING CAUSED THE PROBATIONER TO BE NOTIFIED OF (see R.C.M. 1109(d)(1)(B)):			NO
a. THE TIME, PLACE, AND PURPOSE OF THE HEARING.			
b. THE RIGHT TO BE PRESENT AT THE HEARING.			
c. THE ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION AND THE EVIDENCE EXPECTED TO BE RELIED ON.			
d. THE RIGHT TO BE REPRESENTED AT THE HEARING BY CIVILIAN COUNSEL PROVIDED BY THE PROBATIONER OR, UPON REQUEST, BY MILITARY COUNSEL DETAILED FOR THIS PURPOSE.			
e. THE OPPORTUNITY TO BE HEARD, TO PRESENT WITNESSES AND OTHER EVIDENCE, AND THE RIGHT TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES UNLESS THE HEARING OFFICER DETERMINES THAT THERE IS GOOD CAUSE FOR NOT ALLOWING CONFRONTATION AND CROSS-EXAMINATION.			
8a. THE PROBATIONER REQUESTED DETAILED MILITARY COUNSEL.			
b. NAME OF DETAILED COUNSEL (Last, First, MI)	c. RANK	d. ORGANIZATION	
e. DETAILED COUNSEL WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UCMJ, and R.C.M. 502(d).			

NOTE: If this form is used and additional space is required for any item, enter the additional material in Block 18 or on a separate sheet. Identify such material with the proper heading (Example: "3d"). Securely attach any additional sheet(s) and add a note in the appropriate item: "See Block 18" or "See additional sheet." This form may be used to vacate a suspended special court-martial sentence not including a bad-conduct discharge or a suspended summary court-martial sentence under R.C.M. 1109(e) by lining through or altering the form, as appropriate.

(Check appropriate answer)			YES	NO
9a. THE PROBATIONER INDICATED THAT HE/SHE WOULD BE REPRESENTED BY CIVILIAN COUNSEL PROVIDED BY HIM/HER.				
b. NAME OF CIVILIAN COUNSEL (Last, First, MI)		c. ADDRESS OF CIVILIAN COUNSEL		
d. ENTRY OF APPEARANCE BY PROBATIONER'S CIVILIAN COUNSEL. I HEREBY ENTER MY APPEARANCE FOR THE ABOVE NAMED PROBATIONER AND REPRESENT THAT I AM A MEMBER IN GOOD STANDING OF THE FOLLOWING BAR(S) (LIST OR LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE LAW (EXPLAIN) (see R.C.M. 502(d)(3) CONCERNING QUALIFICATIONS):				
e. SIGNATURE OF COUNSEL		f. DATE		
10a. DETAILED COUNSEL OR CIVILIAN COUNSEL WAS PRESENT THROUGHOUT THE PROCEEDINGS. (If probationer waives the right to have counsel present throughout part or all of the proceedings after requesting detailed counsel or employing civilian counsel, complete b. below.)				
b. STATE CIRCUMSTANCES AND SPECIFIC PROCEEDING(S) CONDUCTED IN ABSENCE OF COUNSEL.				
11. (To be signed by probationer if answer to items 8 or 9 was "No." If probationer fails to sign, the hearing officer shall explain in Item 18.) I have been informed and understand my right under R.C.M. 1109(d) to representation at this hearing by civilian counsel provided by me or, upon request, by detailed military counsel. I hereby knowingly waive my right to such:				
a. <input type="checkbox"/> Detailed Counsel b. <input type="checkbox"/> Civilian Counsel				
c. SIGNATURE OF PROBATIONER		d. DATE		
12a. THE PROBATIONER WAS AFFORDED THE RIGHT TO OBTAIN WITNESSES AND PRODUCE EVIDENCE (see R.C.M. 405(g)).				
b. IN THE PRESENCE OF PROBATIONER I QUESTIONED UNDER OATH ALL AVAILABLE WITNESSES AND EXAMINED DOCUMENTARY AND REAL EVIDENCE FOR BOTH SIDES ANY DOCUMENTS AND REAL EVIDENCE WERE SHOWN TO THE PROBATIONER.				
c. THE PROBATIONER WAS AFFORDED THE RIGHT TO CROSS EXAMINE ALL AVAILABLE WITNESSES.				
d. I HAVE SUMMARIZED THE EVIDENCE CONSIDERED IN EXHIBIT _____				
e. THE FOLLOWING WITNESSES REQUESTED BY THE ACCUSED WERE NOT AVAILABLE UNDER R.C.M. 405(g) FOR THE REASONS INDICATED. (Explain why requested witnesses were unavailable and any alternatives to testimony under R.C.M. 405(g)(4) used.)				
NAME (Last, First, MI)	REASON UNAVAILABLE	ALTERNATIVES		
13. AFTER HAVING BEEN INFORMED OF THE RIGHT TO REMAIN SILENT OR MAKE A STATEMENT, THE PROBATIONER				
a. INDICATED THAT HE/SHE DID NOT WISH TO MAKE A STATEMENT				
b. MADE A STATEMENT SUMMARIZED IN EXHIBIT _____				

DD Form 455, AUG 84, Page 2

(Check appropriate answer)			YES	NO
14a. THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE PROBATIONER NOW OR AT THE TIME OF THE ALLEGED VIOLATION WAS NOT MENTALLY RESPONSIBLE (see R.C.M. 916(k)) OR IS NOW INCOMPETENT TO PARTICIPATE IN THE VACATION PROCEEDING (see R.C.M. 909).				
b. INDICATE THE GROUNDS FOR SUCH BELIEF AND THE ACTION TAKEN.				
c. A REPORT OF MEDICAL OFFICERS UNDER R.C.M. 706 IS ATTACHED AS EXHIBIT _____				
15. IF PROBATIONER WAS CONFINED PENDING VACATION PROCEEDINGS UNDER R.C.M. 1109(c):				
a. I FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROBATIONER VIOLATED THE CONDITIONS OF SUSPENSION.				
b. I DO NOT FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROBATIONER VIOLATED THE CONDITIONS OF SUSPENSION AND ORDER HIS/HER RELEASE UNDER R.C.M. 1109(d)(1)(E).				
16. RECOMMENDATION OF THE OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER THE PROBATIONER.				
a. I RECOMMEND THAT THE SUSPENSION OF THE SENTENCE BE VACATED. <i>(Indicate type and amount of punishment, if any, to be vacated.)</i>				
b. I RECOMMEND THAT THE PROCEEDINGS TO VACATE SUSPENSION BE DROPPED.				
c. I RECOMMEND <i>(state other recommendation):</i>				
17a. NAME OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER PROBATIONER	b. RANK	c. ORGANIZATION		
d. SIGNATURE			e. DATE	
18. REMARKS				

REMARKS (Continued)

(Check appropriate answer)

YES NO

19. DECISION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER PROBATIONER.

a. VACATE SUSPENSION OF THE SENTENCE TO *(specify type/amount of punishment to be vacated):*

b. NOT TO VACATE.

c. OTHER *(specify):*

d. IF DECISION IS TO VACATE, INDICATE EVIDENCE RELIED ON:

e. IF DECISION IS TO VACATE, INDICATE REASONS FOR VACATING:

20a. NAME OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER PROBATIONER

b. RANK

c. ORGANIZATION

d. SIGNATURE

e. DATE

UNITED STATES MARINE CORPS
 Headquarters and Headquarters Squadron
 Marine Corps Air Station
 Yuma, Arizona 85369-5010

5813
 Code
 Date

From: Private John J, Doe 123 45 6789/1234 USMC
 To: Commanding Officer, Marine Corps Air Station, Yuma
 Via: Commanding Officer, Headquarters and Headquarters Squadron, Marine Corps Air Station, Yuma

Subj: REQUEST FOR DEFERMENT OF CONFINEMENT

Encl: (1) Results of Trial

1. I respectfully request the Convening Authority to defer my confinement until such time as the Convening Authority takes his/her action on my Court-Martial. This request is based on the List Reason.
2. Enclosed is the Military Judge's recommendation for deferment of sentence until the Convening Authority takes action. I respectfully request the Convening Authority to give consideration to the Military Judge's recommendation and grant deferment.

JOHN J. DOE

SSIC
 Code
 Date

FIRST ENDORSEMENT

From: Commanding Officer, Marine Corps Air Station, Yuma
 To: Private First Class John J. Doe 123 45 6789/1234 USMC

1. Returned approved/disapproved. Effective this date, I defer your confinement until such time as I act as the Convening Authority on your Special Court-Martial held on 6 July 2000.

CA's Name

ENCLOSURE (18)

PRISONER'S RELEASE ORDER		DATE
TO: Confinement or Brig Officer		INSTALLATION
THE PRISONER NAMED BELOW WILL BE RELEASED FROM CONFINEMENT _____ AND DELIVERED TO THE ORGANIZATION SHOWN _____ DATE _____		
LAST NAME - FIRST NAME - MIDDLE INITIAL <i>(Printed or typed)</i>		GRADE/RANK
DEPARTMENT OF MILITARY SERVICE		SERVICE NUMBER/SSAN
ORGANIZATION		
REASON FOR RELEASE		
FOR THE COMMANDER		
AUTHENTICATING OFFICER <i>(Printed or typed)</i>		SIGNATURE
GRADE/RANK, ORGANIZATION, AND TITLE		
RECEIPT		
RECEIPT OF THE ABOVE NAMED RELEASED PERSON IS ACKNOWLEDGED		DATE
NAME, GRADE/RANK ORGANIZATION, TITLE <i>(Print or typed)</i>		TIME
SIGNATURE		
REMARKS		

DD FORM 367, DEC 57 (EG) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

USAPPC V1.00

ENCLOSURE (19)

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED (<i>Last, First, MI</i>)	b. GRADE OR RANK	c. UNIT OR ORGANIZATION OF ACCUSED	d. SSN
2a. NAME OF CONVENING AUTHORITY (<i>Last, First, MI</i>)	b. RANK	c. POSITION	d. ORGANIZATION OF CONVENING AUTHORITY
3a. NAME OF SUMMARY COURT-MARTIAL (<i>If SCM was accuser, so state.</i>)	b. RANK	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL	
(Check appropriate answer)			
4. At a preliminary proceeding held on _____ 19 _____, the summary court-martial gave the accused a copy of the charge sheet.			YES NO
5. At that preliminary proceeding the summary court-martial informed the accused of the following:			
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.			
b. The identity of the convening authority.			
c. The name(s) of the accuser(s).			
d. The general nature of the charge(s).			
e. The accused's right to object to trial by summary court-martial.			
f. The accused's right to inspect the allied papers and immediately available personnel records.			
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.			
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.			
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.			
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.			
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.			
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.			
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.			
n. The accused's right to plead guilty or not guilty.			
6. At the trial proceeding held on _____ 19 _____, the accused, after being given a reasonable time to decide, <input type="checkbox"/> did <input type="checkbox"/> did not object to trial by summary court-martial. (Note: The SCM may ask the accused to initial this entry at the time the election is made.)			
(Initial)			
7a. The accused <input type="checkbox"/> was <input type="checkbox"/> was not represented by counsel. (If the accused was represented by counsel, complete b, c, and d below.)			
b. NAME OF COUNSEL (<i>Last, First, MI</i>)			c. RANK (If any)
d. COUNSEL QUALIFICATIONS			